

in the Interview Summary dated January 17, 2001. Due to an unfortunate scheduling problem, applicant's representatives were unable to meet with Examiner Nolan, the Examiner of record. However, Applicant's representatives will be scheduling a further interview with Examiner Nolan, but wish to submit the claims set forth herein for discussion.

It is respectfully submitted that the Amendment presented herewith should be entered particularly in light of the discussion with respect to the Office Action mailed on August 21, 2000 designated a final rejection. As noted in the Interview Summary, it was Examiner Dye's position that the final issue is premature and will be withdrawn. Accordingly, applicant has proposed the amendments herewith with a view toward their immediate entry and consideration by the Examiner of record.

The amendments to claim 9 are submitted in a sincere effort to eliminate the rejections under § 112. Accordingly, the reference to "two sections" and "bonding of the sections at the intersection" has been deleted from the claim. The claim has been recast in terminology which is well supported in the specification. In view of this, applicant respectfully submits that the rejection under § 112 should be withdrawn.

The Examiner rejected claim 9 under 35 U.S.C. § 112, first paragraph as containing subject matter not described in the specification. This rejection is respectfully traversed for the following reasons.

The Examiner also maintained a rejection of claim 9 under 35 U.S.C. § 103(a) over Long, et al., U.S. Patent No. 5,108,533. References made to paragraphs 4 through 7 of the Office Action mailed on December 10, 1998 (Paper No. 9). This rejection is also respectfully traversed.

Applicant respectfully submits that the liner including a tube having a collar as illustrated in Fig. 7 in the application is more clearly described and claimed in claim 9 and is patentably distinct from the liner illustrated and described in Long. As set forth more clearly in four times amended claim 9, the tubular portion of the liner and the collar portion are defined as formed of resin absorbable flexible material with the collar section conforming to the interior surface of the main passageway around the lateral aperture. Support for this language can be found in the specification at page 7 in the next to the last paragraph. As noted therein, by providing the same materials impregnated with the same resin allows the tube in the lateral and the collar to cure simultaneously.

In contrast to applicant's flexible liner having a collar and the liner in Long, Long includes a flexible retaining ring to enable insertion from the service lateral and retention in the lateral. Applicant acknowledges the Examiner's well stated position that the manner of installation is not critical to the product and accordingly is not entitled to support patentability. Applicant makes reference to the manner of installation in an effort to highlight the distinctions in structure which are now more clearly set forth in the amended claims.

One of the significant differences between applicant's claimed liner and Long's relates to Long's flexible retainer ring. It can be readily seen from Long's figures and discussion that Long emphasizes that the flexible retainer ring returns to its unrestrained form and locks into place at the lateral opening during installation. When this occurs, Long's liner tube cannot be removed from the service lateral opening by withdrawing the liner tube along its entry path. In marked contrast to this, if applicant's collar were to be installed as described by Long there

G

is little or no likelihood the collar will return to its original planar open shape as shown in FIG. 7 of the application. Further, if applicant's liner tube were to be withdrawn along the entry path from the main line, applicant's liner tube collar would simply collapse and permit relatively easy withdrawal of the liner tube.

This difference does not represent a deficiency for applicant's claimed liner tube. This is because applicant's liner tube is installed from the main line towards the lateral opening with the collar designed to conform around the lateral aperture for forming the improved seal at the junction between the main pipe and the lateral. The collar is placed up against the interior surface of the lateral and held in position by the installation device with the tube section forced against the interior of the lateral pipeline by the installing bladder. Fortunately, there is no need to pull applicant's liner towards the service lateral opening during installation.

✓ Both applicant's claimed liner and Long's liner are used to line laterals. Here the similarity stops. Applicant and Long line the lateral in different manners -- thereby requiring the use of different structural products. Applicant has made a sincere effort to highlight those distinctions in structure in the newly submitted claims.

It is also significant here that in Long there is simply no teaching or suggestion that the lateral can be lined with only flexible resin impregnable material. Further, there is simply no teaching or suggestion in Long to eliminate flexible retainer 46 position within a rolled-over portion of the flexible tube in FIGS. 6, 7 and 10.

In the outstanding Office Action, the Examiner at page 5 set forth several points that form the basis for maintaining her position in rejecting claim 9. Applicant respectfully

submits that several reasons are without support or suggestion within Long and should be reconsidered and the rejection withdrawn. Specifically, the Examiner has noted that FIG. 1 of the application and FIG. 10 of Long illustrate comparable insertion processes.

It should be emphasized here that applicant does not seek to claim the liner illustrated in FIG. 1. Applicant's claims are directed to the tube with collar as illustrated in FIG. 7 -- not FIG 1. Applicant's FIG. 7 represents an alternative arrangement as noted in the last full paragraph beginning at the bottom of page 6 of the specification.

With respect to FIG. 1 of the application, as noted above, applicant's insertion process and that of Long are opposite not comparable. The path of insertion in Long is from the lateral service opening to the main line utilizing the flexible retainer ring. In contrast to this, applicant has constructed a liner to be inserted from the main line into the service connection towards the lateral opening -- the opposite direction.

Applicant further submits that Long's flexible retainer 46 is simply not suggestive of applicant's collar. Long's retainer ring is there to engage the main line once the liner is inserted from the lateral opening. There is simply no teaching or suggestion in Long to make the flexible retainer ring of a flexible resin absorbant material as is applicant's collar.

Applicant respectfully submits that applicant need not compact his collar radially in order to insert it. This is because his method of installation is different than Long's, as applicant inserts the liner of FIG. 7 from the main line out, not from the service connection opening towards the main line as does Long.

In addition to presenting these correcting and clarifying amendments to claim 9, applicant has proposed new claims 13 and 14. Claim 13 defines the liner of claim 9 with the

impregnable material impregnated with a cureable resin. Similarly, claim 14 is directed to the product wherein the resin has cured.

It is respectfully submitted that upon reconsideration of these issues, the Examiner should recognize that the claim structure differs from that in Long and is patentably distinct therefrom.

For these reasons, applicant respectfully submits that four times amended claim 9 and newly presented claims 13 and 14 are patentable over Long and the rejection under 35 U.S.C. Section 103 should be withdrawn.

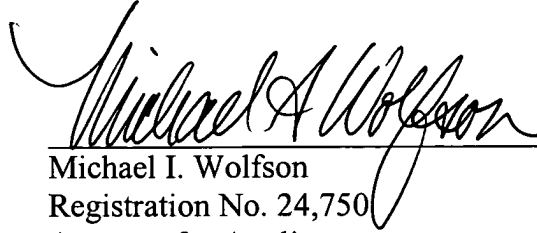
The Examiner is respectfully requested to reconsider the application at an early date with a view towards issuing a favorable action thereon. If upon review of the application, the Examiner is unable to issue an immediate Notice of Allowance. The Examiner is respectfully requested to telephone the undersigned attorney with a view towards resolving the outstanding issues.

As noted, the undersigned will contact the Examiner shortly in an effort to reschedule the personal interview. At this time, the specimens exhibited to Examiner Dye as noted in the Interview Summary and can be presented to Examiner Nolan.



Early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael I. Wolfson", written over a horizontal line.

Michael I. Wolfson  
Registration No. 24,750  
Attorney for Applicant  
COWAN, LIEBOWITZ & LATMAN, P.C.  
1133 Avenue of the Americas  
New York, NY 10036-6799  
(212) 790-9200

A handwritten mark or signature, possibly initials, located in the bottom right corner of the page.